

STATE OF SOUTH CAROLINA

(Caption of Case)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

COPY
Filed: lod
Dept: SA
Date: 12/17/15
Time: 9:50

DOCKET/NDI
NUMBER: 2015 - 423 - C

(Please type or print) Submitted by: Lessie Hammonds

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Columbia, SC 29201

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

- ☐ Affidavit
☐ Agreement
☐ Answer
☐ Appellate Review
☐ Application
☐ Brief
☐ Certificate
☐ Comments
☐ Complaint
☐ Consent Order
☐ Discovery
☐ Exhibit
☐ Expedited Consideration
☐ Interconnection Agreement
☐ Interconnection Amendment
☐ Late-Filed Exhibit

- ☐ Letter
☐ Memorandum
☐ Motion
☐ Objection
☐ Petition
☐ Petition for Reconsideration
☐ Petition for Rulemaking
☐ Petition for Rule to Show Cause
☐ Petition to Intervene
☐ Petition to Intervene Out of Time
☐ Prefiled Testimony
☐ Promotion
☐ Proposed Order
☐ Protest
☐ Publisher's Affidavit
☐ Report

- ☐ Request
☐ Request for Certification
☐ Request for Investigation
☐ Resale Agreement
☐ Resale Amendment
☐ Reservation Letter
☐ Response
☐ Response to Discovery
☐ Return to Petition
☐ Stipulation
☐ Subpoena
☐ Tariff
☐ Other: _____

RECEIVED

DEC 16 2015

PSC SC
MAIL / DMS

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2015- -C

423

RECEIVED

DEC 16 2015

PSC SC
MAIL / DMS

IN RE: Petition of the South Carolina Office of)	
Regulatory Staff For the Commission to)	PETITION OF THE SOUTH
Order a Rule to Show Cause as to Why)	CAROLINA OFFICE OF
the Certificates of Public Convenience)	REGULATORY STAFF FOR A
and Necessity For Certain Providers of)	RULE TO SHOW CAUSE
the Telecommunications Services Should)	
Not Be Revoked)	

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission") that:

1. The Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. § 58-9-10 et seq. (Supp. 2014).
2. ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2014).
3. The Telecommunications Companies ("Companies") listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. § 58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones. Exhibit A also includes Wireless Carriers, which received Eligible Telecommunications Carrier ("ETC") designation in South Carolina and are required to support universal service and the administration of these programs. S.C. Code Ann. § 58-9-280(E) (Supp.2014).

4. The Companies listed in Exhibit A are subject to the jurisdiction of this Commission. Further, they have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity ("CPCN") and/or having requested and received ETC designation in the State of South Carolina pursuant to federal and state requirements.

5. The Companies listed in Exhibit A upon receiving their CPCN, and/or ETC designation were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 2014).

6. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2014), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require reports and special reports concerning any matter about which ORS is authorized to inquire or keep itself informed or which it is required to enforce.

7. The Companies listed in Exhibit A with an X listed in Column A have failed to submit the requisite gross receipts filings. The companies are required to submit their Gross Receipts form on August 31st annually.

8. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require any special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2014).

9. The Companies listed in Exhibit A with an X listed in Column B have failed to submit the requisite 2014 Annual Report that was due on April 1, 2015.

10. The Universal Service Fund ("USF") is administered by ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2014).

11. The Commission USF guidelines approved in Order No. 2011-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing is referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

12. The Companies listed in Exhibit A with an X listed in Column C have failed to submit the requisite USF Report that was due on July 1st.

13. The information for the business entities listed in Exhibit A to the Petition accurately reflects the information on file with the Commission and ORS. See Exhibit B, Affidavit of James McDaniel.

14. "Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees." S.C. Code Ann. § 58-9-390 (Supp. 2014).

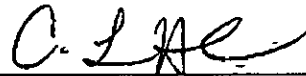
15. Pursuant to S.C. Code Ann. § 58-9-1120 (Supp. 2014), "the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities."

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A to this Petition.

2. For the persons and business entities listed in Exhibit A pursuant to 10 S.C. Code Regs. 103-830 (2012), cause a copy of this petition to be served upon such named respondents or other proper person or entity.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate issued pursuant to S.C. Code Ann. § 58-9-820 (Supp. 2014) or the ETC designation.
5. Find that the Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
6. Enter a final order canceling the Certificates or suspending the ETC designation of the carriers listed in Exhibit A.
7. Take other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds, Esquire
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Columbia, South Carolina 29201
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Fax: (803) 737-0895
Email: lhammond@regstaff.sc.gov

December 16, 2015
Columbia, South Carolina

Exhibit A**NON-COMPLIANT COMPANIES**

COLUMN A	COLUMN B	COLUMN C		
GROSS RECEIPTS REPORT MISSING	ANNUAL REPORT MISSING	USF CONTRIBUTION WORKSHEET MISSING	COMPANY NAME	TYPE
X			Charles C. Maxwell	PSP
X			Payphone Partners, Inc.	PSP
X			Total Call International, LLC	IXC
	X		i-wireless, LLC (ETC)	ETC
		X	ALEC, LLC	CLEC/IXC
		X	American Phone Services, Corp.	IXC
		X	TAG Mobile, LLC (ETC)	ETC

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2015- -C

December 16, 2015

IN RE: Petition of the South Carolina Office of Regulatory)
Staff For the Commission to Order a Rule to Show)
Cause as to Why the Certificates of Public)
Convenience and Necessity For Certain Providers of)
the Telecommunications Services Should Not Be)
Revoked)

**AFFIDAVIT OF
JAMES M. MCDANIEL**


The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is James M. McDaniel and I am employed by the Office of Regulatory Staff ("ORS") as a Program Manager.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201.
- 3) I and/or personnel under my direction researched the status of the business entities listed in Exhibit A of this petition.
- 4) I attest that, to the best of my knowledge, the information listed in Exhibit A is accurate.

AND FURTHER THE AFFIANT SAYETH NOT.


JAMES M. MCDANIEL
Program Manager- Telecommunications Dept.
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 16th day of DECEMBER, 20 15


Notary Public for South Carolina
My Commission Expires: _____

FAITH SHEHANE
Notary Public, State of South Carolina
My Commission Expires 8/1/2022

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2015- -C

IN RE: Petition of the South Carolina Office of)
Regulatory Staff For the Commission to)
Order a Rule to Show Cause as to Why the)
Certificates of Public Convenience and) **CERTIFICATE OF SERVICE**
Necessity For Certain Providers of the)
Telecommunications Services Should Not Be)
Revoked)

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION OF THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Representing Self:

Charles C. Maxwell
1390 West Main Street
Harleyville, SC 29448

Payphone Partners, Inc.
2520 Sardis Rd. N., Ste. 100
Charlotte, NC 28227

Total Call International, LLC
1411 W 190th St., Ste. 700
Gardena, CA 90248

i-wireless, LLC
One Levee Way, Ste. 3104
Newport, KY 41071

ALEC, LLC
250 W. Main St., Ste. 1920
Lexington, KY 40507

American Phone Services, Corp.
308 Maxwell Rd., Ste. 100
Alpharetta, GA 30009 -2062

TAG Mobile, LLC
1330 Capital Pkwy
Carrollton, TX 75006


Faith E. Shehane

December 16, 2015
Columbia, South Carolina